Notice of Allowability	Application No.	Applicant(s)		
	09/864,788	GORTE ET AL.	GORTE ET AL.	
	Examiner	Art Unit		
	Julian Mercado	1745		
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commi GHTS. This application is s	n this application. If not incluunication will be mailed in du	ded e course, THIS	
1. This communication is responsive to <u>11-24-03</u> .				
2. The allowed claim(s) is/are 1-11.				
3. Mathematical The drawings filed on are accepted by the Examiner				
4. ☐ Acknowledgment is made of a claim for foreign priority un a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	been received. been received in Application	on No d in this national stage applic		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the re	equirements	
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			NOTICE OF	
 CORRECTED DRAWINGS (as "replacement sheets") must (a) including changes required by the Notice of Draftsperson 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.1 each sheet. Replacement sheet(s) should be labeled as such in the 	on's Patent Drawing Review Amendment / Comment or 84(c)) should be written on the	in the Office action of ne drawings in the front (not th	e back) of	
7. DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT F			Note the	
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08)	6.	formal Patent Application (PT ummary (PTO-413), Mail Date Amendment/Comment	⁻ O-152)	
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	8.	Statement of Reasons for All	owance	

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DETAILED ACTION

Remarks

This Office action is responsive to applicant's reply filed November 24, 2003.

Terminal Disclaimer

The terminal disclaimer filed on November 24, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 09/914,638 has been reviewed and is accepted. The terminal disclaimer has been recorded.

In view of the terminal disclaimer, the rejection of claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/914,638 is deemed moot.

Allowable Subject Matter

Claims 1-11 are allowed for the reasons set forth in a prior Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado-whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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Patrick Ryan Supervisory Patent Examiner Technology Center 1700